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Attorney for Defendant  
RICKY JOSEPH

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES,

Plaintiff,

v.

RICKY JOSEPH

Defendant.

) CASE NO. 4:23:CR-0191 AMO [KW]  
)  
) **DEFENDANT'S MEMORANDUM RE**  
) **DEFENDANT REMAINING ON POST-PLEA**  
) **RELEASE [Portions filed under Seal]**  
) **[REDACTED]**  
)  
) **Date: July 11, 2025**  
) **Time: 1:00 p.m.**  
) **Hon. Hon. Araceli Martínez-Olguín**  
)  
)

1 Defendant Ricky Joseph submits this memorandum to address the effect of his change of plea  
2 on his pretrial release status. Mr. Joseph was granted pretrial release after Magistrate Judge Westmore  
3 reopened the bail proceedings. After a lengthy hearing and over the government's objection, Judge  
4 Westmore ordered that Mr. Joseph be released into the custody of four close family members (his wife,  
5 two cousins and his aunt), all of whom signed a \$100,000 bond as custodians and sureties to show their  
6 faith in Mr. Joseph. The court explicitly held that the death of Mr. Joseph's mother was only one of  
7 many factors it considered in the release, specifically stating that additional information provided by  
8 the defense made it reconsider what it had initially believed about Mr. Joseph's involvement in other  
9 acts proffered by the government at the original bail hearing.<sup>1</sup> The court released Mr. Joseph  
10 indefinitely, beyond the funeral arrangements and burial of his mother.

11 Since that time, Mr. Joseph has successfully complied with the conditions of pretrial release,  
12 which require that he reside in the halfway house at night and be in the presence of one of his  
13 custodian/sureties during the day. He has made all of his court appearances and is thriving on release.

#### 14 DISCUSSION

15 The defense agrees with the government's statement of the law (Dkt. 403) but notes that  
16 "exceptional circumstances" are not limited to the examples listed by the government: "By adopting the  
17 term 'exceptional reasons,' Congress placed broad discretion in the district court to consider all the  
18 particular circumstances of the case before it and draw upon its broad 'experience with the mainsprings  
19 of human conduct.'" *United States v. Garcia*, 340 F.3d 1013, 1018 (9th Cir. 2003). In *Garcia*, the court  
20 stressed that "a wide range of factors may bear upon the [exceptional reasons] analysis." *Id.* The court  
21 listed several factors, that alone or in combination with other factors, may constitute 'exceptional  
22 reasons,' but stated that it was highlighting those factors for illustrative purposes, as guidance,  
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25 <sup>1</sup> At the bail hearings before Judge Westmore, the government proffered that Mr. Joseph was suspected  
26 of involvement in sex trafficking in November 2023, that he was near to a homicide in 2023, and that he  
27 was a suspect in a homicide in 2015. After the court considered the actual evidence and the arguments of  
28 counsel about the actual content and context of the information, it did not find it to be compelling or to  
justify detention.

1 “plac[ing] **no limit on the range of matters** the district court may consider.” *Id.* at 1018-1019  
2 (emphasis added), since a court should take stock of the totality of the circumstances. *Id.* at 1019.

3 Because of Pretrial Services’ excellent supervision, a much fuller history of Mr. Joseph’s trauma  
4 came to light. In its extensive interviews with Mr. Joseph, Pretrial Services learned that [REDACTED]

5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]

14 The criminal justice system is not simply about punishment. The Sentencing Reform Act is  
15 explicit that rehabilitation is as important a goal of criminal prosecution and sentencing as is  
16 punishment. One of the many positive things that can happen as a result of a criminal prosecution and  
17 supervision by Pretrial is that people can get help and treatment for trauma that has not previously  
18 occurred. [REDACTED]

19 [REDACTED]  
20 [REDACTED]. He is finally getting the help that he needs.

21 Mr. Joseph pled guilty to a crime of violence, but so did three of his co-defendants, who remain  
22 on pretrial release pending sentencing. While it is true that someone pistol whipped a victim, no witness  
23 has ever said that was Mr. Joseph, and he proffers that no one expected it. The enhancement is reflected  
24 in the sentencing guidelines of the defendants even though they did not actually do the pistol whipping.

25 Notably, Pretrial Services has been so impressed with Mr. Joseph’s performance on pretrial  
26 release that it recommended that he begin working (which he would very much like to do) and took the  
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1 extraordinary step of sua sponte referring him for CAP. Pretrial Services are the “boots on the ground.”  
2 They observe Mr. Joseph as they do all of the people they supervise, and that their impression of him  
3 was so favorable as to recommend him for CAP (regardless of whether this court allows the process to  
4 continue), speaks volumes.

5 Mr. Joseph’s excellent performance on pretrial release is not surprising given what family  
6 members had observed about Mr. Joseph in the past two years (post-dating the offense conduct in this  
7 case). In its Motion for Bail, Dkt. 287, the defense presented extensive family letters and evidence of  
8 Mr. Joseph’s rehabilitation in the past two years post-dating the charges in this case, in 2023 and 2024.  
9 The defense asks that the court review these letters. His family members noted how he turned his life  
10 around and spent lots of time with family, including daily taking care of his mother. Unlike at previous  
11 times in his life, he also worked a number of part-time jobs and had gotten a full-time job doing his  
12 dream job of working at the San Francisco Parks and Recreation working outdoors and with people  
13 (which he lost when he was detained in this case).

14 Mr. Joseph’s low risk of flight satisfies the requirement of § 3145(c) that there be clear and  
15 convincing evidence that he not be likely to flee, within the meaning of § 3143(a)(1). It also constitutes  
16 exceptional reasons that remand would not be appropriate under 18 U.S.C. § 3145(c). *Cf Garcia*, 340  
17 F.3d at 1022 (reasoning that although lack of risk of danger is a factor under § 3143(a)(1), *exceptionally*  
18 low risk of danger goes towards showing exceptional circumstances). Mr. Joseph is incredibly close  
19 with his family, including he pregnant wife, as evidenced by the people who were willing to sign on his  
20 bond (the court stopped at a certain number but there were many more). Mr. Joseph’s adult convictions  
21 have been for second degree (car) burglary. The conditions of his release require that he be with a  
22 custodian/surety at all times. There is literature showing that nurturing close family bonds reduces  
23 recidivism. His continuing to access mental health treatment in a therapeutic environment is important  
24 for both him, his family, and for society during either a prison sentence and/or his release. As in *Garcia*,  
25 it would be counterproductive to interrupt that treatment in lieu of summary remand to jail. *Id.* at 1022.

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**CONCLUSION**

Because Ricky Joseph is not dangerous or a flight risk and has begun to receive important trauma counseling and therapy that are not available in jail and that will be protective both of him and of society in the future, and because none of the other co-defendants who were on release have been remanded, there exist exceptional and individualized reasons why detaining him after he pleads guilty would not be appropriate.

Dated: July 8, 2025

/s/ \_\_\_\_\_  
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